

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>LARRY S. JAMES,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>1:09CV755</b>
	)	
<b>DURHAM CENTER, et al.,</b>	)	
	)	
<b>Defendant(s).</b>	)	

**ORDER AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff, a prisoner of the State of North Carolina, has submitted what purports to be a case under the Freedom of Information Act and Privacy Act. The form of the complaint is such that serious flaws make it impossible to further process this complaint. The problems are:

1. Filing fee was not received nor was a proper affidavit to proceed *in forma pauperis* submitted, with sufficient information completed or signed by Plaintiff, to permit review.
2. Plaintiff's complaint appears to be misdirected. He requests six documents. The first is a copy of the complaint in "5:07CV-ct-031440 1983 Bivens dated 3/14/08." This is an apparent citation to a case number, but it is not a case in this Court. Even the format of the number is not one used in this Court. Because this Court does not have possession of documents filed in other courts, Plaintiff must seek copies from the court in which the action is filed. Plaintiff's second request is for a copy of a writ of certiorari dated February 5, 2009. The only case Plaintiff has previously filed in this Court is 1:09CV561. That case, which was not even filed until July of 2009, contains no writ of certiorari. Plaintiff may still be referring to his case in another court. If so, he

should go to that court with his request. Plaintiff's final four requests are for copies of forms. Only one of these forms, a form for consenting to the jurisdiction of a United States Magistrate Judge, exists and is in the possession of this Court. That form will be sent to Plaintiff. The others cannot be sent because they either do not exist or are not known to the Court. Plaintiff should also be aware that he does not need to file a civil action to receive copies of court forms. A simple letter to the Clerk is sufficient as long as the request is a reasonable one.

Consequently, this particular complaint should be dismissed, but without prejudice to Plaintiff making proper requests for the remaining documents in the proper courts or with the proper agencies. *In forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation.

**IT IS THEREFORE ORDERED** that *in forma pauperis* status is granted for the sole purpose of entering this Order. The Clerk shall send Plaintiff a copy of a form for consenting to the jurisdiction of a United States Magistrate Judge.

**IT IS RECOMMENDED** that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff seeking his other documents with the proper courts or other entities.

\_\_\_\_\_  
/s/ P. Trevor Sharp  
United States Magistrate Judge

Date: October 15, 2009